

Permits a person to forcibly resist the unlawful entry into a dwelling by a law enforcement officer under certain conditions.

SECTION 1. IC 35-41-3-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) The purpose of this section is to protect citizens from unlawful entry into their homes by law enforcement officers or persons pretending to be law enforcement officers. Both citizens and law enforcement officers benefit from clear guidance about the parameters of lawful home entry, which will reduce the potential for violence and respect the privacy and property of citizens.

(b) This section does not apply to any of the following:

(1) An investigation of suspected domestic or family violence (as defined in IC 34-6-2-34.5).

(2) The entry into a dwelling by a law enforcement officer who has a reasonable belief that a person inside the dwelling has been or is at risk of physical harm.

(3) An entry into a residence by invitation of at least one (1) resident, unless one (1) or more other adult residents object to the entry.

(4) The entry into a dwelling by a law enforcement officer in hot pursuit.

(5) A person who is committing or is escaping after the commission of a crime.

(6) The entry into a dwelling by a law enforcement officer with a warrant.

(c) A person may use force in accordance with this section to prevent or terminate a law enforcement officer's unlawful entry into the person's dwelling or into the dwelling of a member of the person's immediate family under one (1) or more of the following conditions:

(1) The person does not have actual knowledge that the officer is a law enforcement officer, and the officer:

(A) has not identified himself or herself as a law enforcement officer; or

(B) is not wearing a distinctive uniform or badge of authority.

(2) The law enforcement officer is not engaged in the execution of the law enforcement officer's official duty.

(d) A person may use reasonable force, including physical force, against a person described in subsection (c)(1), if the person reasonably believes that the force is necessary to immediately prevent or terminate the unlawful entry into the dwelling.

(e) A person may not use violent force against a law enforcement officer described in subsection (c)(2) unless the person has no adequate alternative to prevent or terminate

1 the unlawful entry into the dwelling.

2 (f) A person who is justified in using force under this section is not required to
3 retreat.

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